

# **2011 DRAFTING REQUEST**

## **Bill**

Received: **09/20/2010**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

May Contact:

Drafter: **chanaman**

Subject: **Justice - criminal**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

## **Pre Topic:**

DOA:.....Wavrunek, BB0045 -

## **Topic:**

Victim and witness surcharge part B

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 09/21/2010	wjackson 09/22/2010					
/P1			phenry 09/22/2010		cdurst 09/22/2010		
/P2	chanaman 09/28/2010	wjackson 09/28/2010	jfrantze 09/29/2010		sbasford 09/29/2010		
	chanaman 02/01/2011	wjackson 02/02/2011					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P3

rschluet	_____
02/02/2011	_____

mbarman	_____
02/02/2011	_____

FE Sent For:

&lt;END&gt;

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/?	chanaman 09/21/2010	wjackson 09/22/2010		_____			
/P1			phenry 09/22/2010	_____	cduerst 09/22/2010		
/P2	chanaman 09/28/2010	wjackson 09/28/2010	jfrantze 09/29/2010	_____	sbasford 09/29/2010		

FE Sent For:

/p3 WLj 2/2  


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/?	chanaman 09/21/2010	wjackson 09/22/2010					
/P1		/p2 wij 9/28	phenry 09/22/2010		cduerst 09/22/2010		

FE Sent For:

*Do 9/29*  
<END>

**2011 DRAFTING REQUEST**

**Bill**

Received: **09/20/2010**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Justice**

By/Representing: **Bonnie Anderson**

May Contact:

Drafter: **chanaman**

Subject: **Justice - criminal**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **andersonbr@doj.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Victim and witness surcharge part B

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 09/21/2010	wjackson 09/22/2010		_____			
/P1			phenry 09/22/2010	_____	cduerst 09/22/2010		

FE Sent For:

<END>

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Companion to LRB:

For: **Justice**

By/Representing: **Bonnie Anderson**

May Contact:

Drafter: **chanaman**

Subject: **Justice - criminal**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **andersonbr@doj.state.wi.us**

Carbon copy (CC:) to:

---

### **Pre Topic:**

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### **Topic:**

Victim and witness surcharge part B

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### **Instructions:**

See attached

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### **Drafting History:**

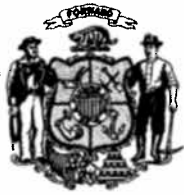
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	chanaman	/pl wlj 9/21	9/22	9/22			
			ph	ph/np			

FE Sent For:

<END>

Victim and witness surcharge Part B – Amend sections 20.455 (5)(g); 20.455 (5)(gc); and 973.045 (2m) to return to the language prior to 2009 Wisconsin Act 28 regarding Part A and Part B of the surcharge. Create a Part C of the surcharge to consist of the \$7 increase in sections 3388 and 3391c of that act. This change is supported by staff from the Director of State Courts office, the Department of Administration, and the Legislative Fiscal Bureau as an appropriate means to track the increase and ensure that it is credited to the correct appropriation to fund victim compensation and reimbursement to counties for victim services.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-009777

CMH:f:...

WLj

AGENCY BUDGET DRAFT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Draft  
Gen Cat

1 AN ACT ...; relating to: allocation of crime victim and witness surcharge.

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 973.045 (1r) (a) (intro.) of the statutes is amended to read:

3 973.045 (1r) (a) (intro.) The clerk shall record any crime victim and witness  
4 surcharge imposed under sub. (1) in 2 parts as follows:

History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

5 SECTION 2. 973.045 (1r) (a) 2. of the statutes is amended to read:

6 973.045 (1r) (a) 2. Part B equals ~~\$27~~ \$20 for each misdemeanor offense or count  
7 and ~~\$27~~ \$20 for each felony offense or count.

History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

8 SECTION 3. 973.045 (1r) (a) 3. of the statutes is created to read:

9 973.045 (1r) (a) 3. Part C equals \$7 for each misdemeanor offense or count and  
10 \$7 for each felony offense or count.



1           **SECTION 4.** 973.045 (2m) of the statutes, as affected by 2009 Wisconsin Act 28,  
2           section 3391c, is amended to read:

3           973.045 **(2m)** (a) The secretary of administration shall credit to the  
4           appropriation account under s. 20.455 (5) (gc) ~~the first \$20 of~~ part B of the crime  
5           victim and witness surcharge.

6           (b) The secretary of administration shall credit to the appropriation account  
7           under s. 20.455 (5) (g) ~~part A of the crime victim and witness surcharge and any part~~  
8           ~~of part B C~~ of the crime victim and witness surcharge ~~that remains after the secretary~~  
9           ~~of administration complies with par. (a).~~

History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

(END)

10 →

INS 2-10

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INS 2-10

CREATE 973.045 (3)(c)

③

① 973.045 (3)(c) The person paying the crime victim and witness surcharge shall pay all of the moneys due under part A and part B before he or she pays any of the moneys due under part C.

①

NOTE: Please review this provision <sup>=em</sup> is this the priority you intend?

## 2011-13 Budget Bill Statutory Language Drafting Request

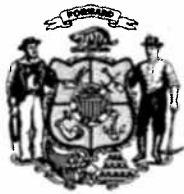
- Topic: Victim and witness surcharge funding; Part C
- Tracking Code: BB 0045
- SBO team: Agriculture, Environment and Justice (AEJ)
- SBO analyst: Leah Wavrunek
  - Phone: 267-0370
  - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DOJ
- Agency number: 455
- Priority (Low, Medium, High): Medium

### Intent:

The Department of Justice requests a further split of the victim and witness surcharge. The surcharge currently includes Parts A and B. Under Act 28, Part B was increased by \$7, with the funds deposited to the appropriation under 20.455(5)(g) and used for victim compensation payments paid out under 20.455(5)(kj). DOJ requests the creation of a Part C that would house the new \$7, which would remain allocated for victim compensation payments.

Further, changes made to 20.455(5)(g), (5)(gc) and 973.045(2m) under Act 28 regarding the increase would be eliminated and the sections would return to the language that existed prior to enactment of Act 28.

11-0097



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0097/PT

CMH:wlj:ph

stays *PEAR*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

DOA: WNRUNEK

*done 8-17*

1 AN ACT *to amend* 973.045 (1r) (a) (intro.), 973.045 (1r) (a) 2. and 973.045 (2m);  
2 and *to create* 973.045 (1r) (a) 3. and 973.045 (3) (c) of the statutes; **relating**  
3 **to:** allocation of crime victim and witness surcharge.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 **SECTION 1.** 973.045 (1r) (a) (intro.) of the statutes is amended to read:  
5 973.045 (1r) (a) (intro.) The clerk shall record any crime victim and witness  
6 surcharge imposed under sub. (1) in 2 parts as follows:

7 **SECTION 2.** 973.045 (1r) (a) 2. of the statutes is amended to read:  
8 973.045 (1r) (a) 2. Part B equals \$27 \$20 for each misdemeanor offense or count  
9 and \$27 \$20 for each felony offense or count.

10 **SECTION 3.** 973.045 (1r) (a) 3. of the statutes is created to read:

1           973.045 (1r) (a) 3. Part C equals \$7 for each misdemeanor offense or count and  
2           \$7 for each felony offense or count.

3           **SECTION 4.** 973.045 (2m) of the statutes, as affected by 2009 Wisconsin Act 28,  
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5           973.045 (2m) (a) The secretary of administration shall credit to the  
6           appropriation account under s. 20.455 (5) (gc) ~~the first \$20 of~~ part B of the crime  
7           victim and witness surcharge.

8           (b) The secretary of administration shall credit to the appropriation account  
9           under s. 20.455 (5) (g) ~~part A of the crime victim and witness surcharge and any part~~  
10          ~~of part B~~ C of the crime victim and witness surcharge ~~that remains after the secretary~~  
11          ~~of administration complies with par. (a).~~

12          **SECTION 5.** 973.045 (3) (c) of the statutes is created to read:

13          973.045 (3) (c) The person paying the crime victim and witness surcharge shall  
14          pay all of the moneys due under part A and part B before he or she pays any of the  
15          moneys due under part C.

16               \*\*\*NOTE: Please review this provision — is this the priority you intend?

(END)

## Hanaman, Cathlene

---

**From:** Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]  
**Sent:** Thursday, January 06, 2011 3:59 PM  
**To:** Hanaman, Cathlene  
**Subject:** RE: Draft review: LRB 11-0097/P1 Topic: Victim and witness surcharge part B

Hi Cathlene,

I apologize for not getting back to you on this earlier.

I am fine with the first suggestion, of adding Part C to the priority order right after Part B. I don't know if the second suggestion is necessary, I am fine with how you drafted it. Is there any compelling reason for one over the other?

Thanks,  
leah

---

**From:** Hanaman, Cathlene [mailto:Cathlene.Hanaman@legis.wisconsin.gov]  
**Sent:** Thursday, October 14, 2010 12:36 PM  
**To:** Wavrunek, Leah J - DOA  
**Subject:** FW: Draft review: LRB 11-0097/P1 Topic: Victim and witness surcharge part B  
**Importance:** High

Leah:

Let me know if you want these changes.

-Cathlene

---

**From:** Anderson, Bonnie R. [mailto:andersonbr@doj.state.wi.us]  
**Sent:** Thursday, October 14, 2010 10:40 AM  
**To:** Duerst, Christina  
**Cc:** Wavrunek, Leah J - DOA  
**Subject:** RE: Draft review: LRB 11-0097/P1 Topic: Victim and witness surcharge part B

DOJ in consultation with Sheryl Gervasi, Deputy Director of Court Operations have the following suggested changes to the LRB Draft language.

**Suggestion #1:** CCAP uses s. 973.05(2m) when prioritizing payments collected in criminal cases. The original intent of Act 28 was to have the \$27 surcharge collected and disbursed to 20.455 (5) (gc) *Crime victim and witness assistance surcharge, sexual assault victim services (SAVS)* and 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services (County Reimbursements)*. DOJ wants to ensure the courts pay Part C immediately after the rest of the victim-witness surcharge, Part C needs to be listed in **973.05(2m)**, which is the list that prioritizes all surcharges against each other. Otherwise Part C will drop to the bottom of the list and be paid out under (s). Need to add a new sub. (dm):

(dm) To payment of part C of the crime victim and witness assistance surcharge until paid in full.

**Suggestion #2:** The purpose of current 973.045 (3)(b) seems redundant with 973.05(2m) (c) and (d). To keep things consistent we suggest that 973.045(3)(b) be amended to cover all three parts and not ac (3)(c), something like this:

The person paying the crime victim and witness surcharge shall pay all of the moneys due under part A, then all of the moneys due under part B, then all of the moneys due under part C.

***Bonnie Anderson***

Director, Bureau of Budget and Finance  
Wisconsin Department of Justice  
Phone: (608) 267-6714  
Email: [andersonbr@doj.state.wi.us](mailto:andersonbr@doj.state.wi.us)

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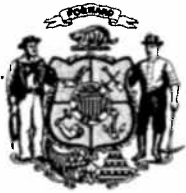
**From:** Duerst, Christina [mailto:Christina.Duerst@legis.wisconsin.gov]

**Sent:** Wednesday, September 22, 2010 2:04 PM

**To:** Anderson, Bonnie R.

**Subject:** Draft review: LRB 11-0097/P1 Topic: Victim and witness surcharge part B

**Following is the PDF version of draft LRB 11-0097/P1.**



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0097/P2  
CMH:wlj:jf

stayc

DOA:.....Wavrunek, BB0045 - Victim and witness surcharge part B

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

Do Not Gen

1 AN ACT ...; relating to: allocation of crime victim and witness surcharge.

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6           (b) The secretary of administration shall credit to the appropriation account  
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12 pay all of the moneys due under part A and part B before he or she pays any of the  
13 moneys due under part C.

14          \*\*\*\*NOTE: Please review this provision — is this the priority you intend?

(END)

INS 2-14

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

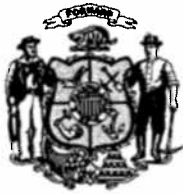
LRB-0097/p3ins  
CMH:.....

1           Insert 2-14

2           **SECTION ~~#~~** 973.05 (2m) (dg) of the statutes is created to read:

3           973.05 **(2m)** (dg) To payment of part C of the crime victim and witness

4           assistance surcharge until paid in full.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0097/P3  
CMH:wlj:rs

DOA:.....Wavrunek, BB0045 - Victim and witness surcharge part B

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

1     **AN ACT ...; relating to:** allocation of crime victim and witness surcharge.

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973.045 **(2m)** (a) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (gc) ~~the first \$20 of~~ part B of the crime victim and witness surcharge.

(b) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (g) part A of the crime victim and witness surcharge and any part of part B C of the crime victim and witness surcharge that remains after the secretary of administration complies with par. (a).

**SECTION 5.** 973.045 (3) (c) of the statutes is created to read:

973.045 (3) (c) The person paying the crime victim and witness surcharge shall pay all of the moneys due under part A and part B before he or she pays any of the moneys due under part C.

**SECTION 6.** 973.05 (2m) (dg) of the statutes is created to read:

973.05 (2m) (dg) To payment of part C of the crime victim and witness assistance surcharge until paid in full.

**(END)**